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circumstances most favorable to the right of the state—the operation being vasectomy (the surgical sterilization of a male, relatively a very simple affair), to be performed on a man convicted of a sexual crime—the only constitutional difficulty being the prohibition against “cruel and unusual punishment.” Here the operation was a serious one, although the simplest method of asexualizing a woman, and the question is raised as to the suppression of the rights of the individual for the artificial enhancement of the public welfare. Since this New Jersey statute expressly provided that the fact that it is held unconstitutional in regard to a single class shall not invalidate the act as a whole, the court may yet be given an opportunity to express itself on the criminal portion of the statute. Statutes similar to that in the principal case have been enacted in Indiana, Iowa, California, Washington, Connecticut, New York, Utah and Michigan. In Vermont such a bill was vetoed. But they have not been passed upon by the courts except in these two states. For a general discussion of the whole question see 27 Medico-Legal Journal, 134, in which such statutes are advocated; and 4 Journ. Crim. Law, 326, where they are strongly disapproved. See also MOSBY, CRIME, III.

CONSTITUTIONAL LAW — POWER OF EXECUTIVE — PRESERVATION OF NEUTRALITY BY INTERNMENT.—Mexican soldiers belonging to the Federalist forces, having been put to flight, crossed the boundary into the United States. They surrendered to the United States army, and by order of the President were disarmed and interned. They now petition for a writ of *habeas corpus*. Held, that the writ be denied, no provision of the Constitution of the United States having been violated. *Ex parte Toscano*, 208 Fed. 938 (Dist. Ct., S. D. Cal.).

It is clear that aliens fall under the protection of the “due process” clause. *Wong Wing v. United States*, 163 U. S. 228. By an express provision of the Convention of The Hague, belligerent troops which are received by a neutral power are to be interned. 36 U. S. STAT. AT LARGE, 2324. The principles governing the status of neutrality are old. See 2 WESTLAKE, INT. LAW, 169. They are as necessary a part of sovereignty as the war power, and the federal government from the first has enforced them. *The Santissima Trinidad*, 1 Brock. (U. S. Circ. Ct.) 478, 488, 496. See 1 AMER. STATE PAPERS, 69, *et seq.*; 7 MOORE, DIG. INT. LAW, 1002, *et seq.*; 8 AMER. JOURN. INT. LAW, 1. The provision of the treaty is merely declaratory. The admittance of foreign troops into the territory is a matter of grace. See *The Schooner Exchange v. McFadden*, 7 Cranch (U. S.) 116, 139. It is granted under the circumstances of the principal case for reasons of humanity. See HALL, INT. LAW, 625. But having permitted the entrance, the nation could not allow the belligerents to leave without a violation of neutrality. 2 HALLECK, INT. LAW, 173. This internment, as well as the decision whether there is a state of belligerency, properly falls within the executive functions without the interposition of the judiciary. If a crime were charged a judicial trial would be necessary. *Wong Wing v. United States*, *supra*, 236. Here, however, such is not the case. There is no violation of the neutrality laws. Thus the case differs from *Ex parte Orozco*, 201 Fed. 106. See 7 MOORE, DIG. INT. LAW, 1018, *et seq.* 1026. The jurisdiction of the executive here is based on the exigencies of government. See 27 POL. SC. QUART. 215, 238. The restraint of liberty is necessary, first, to preserve peace internally; second, to prevent the nation from being involved in a foreign war. Liberty may also be restrained by the executive officers acting alone in the analogous case of the detention and exclusion of aliens. See *Wong Wing v. United States*, *supra*, 231. See also 22 HARV. L. REV. 221, 360. So, too, by boards of health in passing on questions of quarantine and enforcing their decisions. *Valentine v. Englewood*, 76 N. J. L. 509, 71 Atl. 344. In the principal case, therefore, there seems to have been a proper exercise of the executive power in the enforcement of a declaratory treaty.